

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MINTEL INTERNATIONAL GROUP,	)	
LTD., a United Kingdom corporation,	)	
	)	
	)	
Plaintiff/Counter-Defendant,	)	Case No. 08-cv-3939
	)	Judge Robert Dow, Jr.
v.	)	Magistrate Judge Maria Valdez
MEESHAM NEERGHEEN, an individual	)	
	)	
Defendant/Counter-Plaintiff.	)	
_____	)	

**NEERGHEEN’S MOTION FOR LEAVE TO FILE SECOND  
SUPPLEMENT IN SUPPORT OF HIS MOTION TO COMPEL  
PARTY WITNESSES FOR IN-PERSON DEPOSITIONS**

Defendant/Counter-Plaintiff Meesham Neergheen (“Neergheen”) hereby respectfully submits his Motion for Leave to File a Supplement in Support of His Motion to Compel Witnesses of Plaintiff/ Counter-Defendant Intel International Group, Inc. (“Intel”). In support of his motion, Neergheen states as follows:

1. Neergheen filed his Motion to Compel Party Witnesses on August 18, 2008. The crux of that motion was Neergheen’s request to compel Intel’s witnesses to appear for deposition in Chicago, Illinois, the venue in which Intel chose to bring this action.

2. This Court heard Neergheen’s motion on Thursday August 21, 2008. Following the hearing, the Court took Neergheen’s motion under advisement and requested that both parties file supplemental briefs regarding the witnesses’ roles at Intel and whether these roles affected their position as “parties” for discovery purposes.

3. Pursuant to this Court’s Order, Neergheen filed his supplemental brief on August 25, 2008.

4. Thereafter, on August 27, 2008, during the deposition of Mintel's witness Mr. Richard Carr, Neergheen's counsel discovered new information supporting his motion. In particular, Mr. Carr testified regarding the duties and responsibilities of Mr. Steve Charlton and Ms. Sabine Popp as well as their roles in the present litigation.

5. This new information was not available to Neergheen at the time he filed his motion to compel nor at the time he filed his supplement to the motion to compel. Accordingly, Neergheen respectfully requests the Court consider the newly discovered evidence, as outlined in the Supplement provided at Exhibit A to the present motion.

WHEREFORE, for the foregoing reasons Defendant/ Counter-Plaintiff Meesham Neergheen respectfully requests that the Court enter an order granting leave to file an additional supplement to his Motion to Compel, as found at Exhibit A.

Dated: August 27, 2008

/s/ Jeana R. Lervick  
John T. Roache  
Jeana R. Lervick  
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Plaintiff/Counter-Defendant,	)	Case No. 08-cv-3939
	)	Judge Robert Dow, Jr.
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MEESHAM NEERGHEEN, an individual	)	
	)	
Defendant/Counter-Plaintiff.	)	
_____	)	

**NEERGHEEN’S SECOND SUPPLEMENT IN SUPPORT OF  
HIS MOTION TO COMPEL PARTY WITNESSES FOR IN-PERSON DEPOSITIONS**

Defendant/ Counter-Plaintiff Meesham Neergheen (“Neergheen”) hereby respectfully submits his second supplement in support of his motion to compel party witnesses of Plaintiff/ Counter-Defendant Intel International Group, Inc. (“Intel”). In further support of his motion, Neergheen states as follows:

1. On August 27, 2008, Neergheen deposed Intel witness Richard Carr. During his deposition, Mr. Carr testified that two of the witnesses at-issue in Neergheen’s Motion to Compel — Steve Charlton and Sabine Popp — had even further involvement in the present litigation and that their roles at Intel are substantial.

2. In particular, regarding Steve Charlton, Mr. Carr testified that Mr. Charlton’s role at Intel encompassed more than the title of Global Executive. Mr. Charlton has been the head of Human Resources (“HR”) at Intel for several years. As head of HR, Mr. Charlton oversees two HR managers — one located in London and one located in Chicago. Of note, the names of both of these managers appear on documents central to the present case. Additionally, Mr. Carr

testified that Mr. Charlton actually lived in the United States until approximately April, 2008 and further testified that, while living here, Mr. Charlton was in a position at Mintel in which he “did everything [the U.S. CEO] didn’t.” Finally, Mr. Carr testified that Mr. Charlton sent to Mr. Carr emails discussing the present case.<sup>1</sup>

3. In light of the above, Mintel invested Mr. Charlton with the discretion to exercise his judgment to the extent that he was considered by his peers to be second only to the U.S. CEO. Moreover, his involvement in this matter extends to not only significant knowledge on his part, but also on the part of those he oversaw. Accordingly, Neergheen respectfully requests he be compelled to sit for his deposition in Chicago.

4. Mr. Carr further testified regarding the employment of Sabine Popp. Mr. Carr testified that Ms. Popp made the decision to restructure the marketing department, which ultimately resulted in Neergheen’s termination. Additionally, Mr. Carr testified that Ms. Popp has knowledge as to how the information Mintel claims to be proprietary is compiled. Finally, Mr. Carr testified that Ms. Popp is frequently in the United States and that she was last in the United States approximately two months ago. These factors, both in terms of Ms. Popp’s role in Mintel and the claim that it would be burdensome for her to travel here for deposition, further support Neergheen’s motion to compel.

5. Based upon the above facts and the law as set forth in Neergheen’s Motion to Compel and his first Supplement to the motion, it is clear that Mr. Charlton and Ms. Popp are managing agents of Mintel. Accordingly, Neergheen respectfully submits that Mr. Charlton and Ms. Popp should be compelled to sit for deposition in this district.

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<sup>1</sup> None such documents have, to date, been produced by Mintel.

WHEREFORE, for the foregoing reasons Defendant/Counter-Plaintiff Meesham Neergheen respectfully requests that the Court enter an order compelling the depositions of Steve Charlton, John Weeks and Sabine Popp in Chicago, as noticed.

Dated: August 27, 2008

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of NEERGHEEN'S MOTION FOR LEAVE TO FILE SECOND SUPPLEMENT IN SUPPORT OF HIS MOTION TO COMPEL PARTY WITNESSES FOR IN-PERSON DEPOSITIONS, and accompanying documents, have been served this 27th day of August, 2008 via ECF filing to:

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